

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region 1

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ENVIR. APPEALS BOARD

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Date: January 10, 2008**To: Eurika Durr, Clerk of the Board, EPA Environmental Appeals Board****Fax: 202-233-0121****Ph: 202-233-0122****To: Jeffrey T. Blake, Esq., Kopelman and Paige****Fax: 617-654-1735****Ph: 617-556-0007****From: Ann Williams, Office of Regional Counsel****Fax: 617-918-0097****Ph: 617-918-1097****Number of pages including cover: 6**

Message: Enclosed please find a Motion to Extend the Stay of Proceedings in the matter of Town of Northbridge Wastewater Treatment Plant, Appeal No. NPDES 06-11, with accompanying Certificate of Service and Transmittal Letter.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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BOSTON, MASSACHUSETTS 02114-2023**

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January 10, 2008

Eurika Durr, Clerk of the Board,
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: Town of Northbridge Wastewater Treatment Plant
Appeal No. NPDES 06-11

Dear Ms. Durr:

Enclosed please find the original and five copies of a Motion to Extend the Stay of Proceedings in the above-captioned matter, as well as a certificate of service. The Motion was sent to you via facsimile earlier today.

Thank you for your attention to this matter.

Sincerely,

Ann H. Williams
Senior Assistant Regional Counsel

Enclosures

cc: Jeffrey T. Blake, Esq., Kopelman and Paige

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY | 11 AM 8:45
WASHINGTON, D.C.**

ENVIR. APPEALS BOARD

In re:
**Town of Northbridge Wastewater
Treatment Plant**
NPDES Permit MA0100722

Appeal No. NPDES 06-11

MOTION TO EXTEND THE STAY OF PROCEEDINGS

The United States Environmental Protection Agency, Region 1 ("Region"), with the consent of counsel for the Town of Northbridge ("Town"), respectfully submits to the Environmental Appeals Board ("Board") this motion to extend the stay of proceedings related to the petition for review filed by the Town in the above-referenced appeal. The basis for this motion is to allow the parties an additional sixty-three (63) days to continue their settlement discussions to resolve the issues raised on appeal, as discussed below.

On September 13, 2006, the Region reissued NPDES Permit No. MA0100722 ("Permit") to the Town, authorizing wastewater discharges from the Northbridge Wastewater Treatment Plant into an unnamed tributary to the Blackstone River. On October 16, 2006, the Town filed a petition for review by the Board contesting the Permit's phosphorus limit of 0.2 mg/l from April 1 – October 31, the phosphorus limit of 1.0 mg/l from November 1 – March 31, and the fecal coliform bacteria limits for the period of November 1 – March 31 ("winter bacteria limits"). The Board directed the Region to respond to the petition no later than December 4, 2006.

On November 29, 2006, the Board granted a stay of the proceedings until March 6, 2007, to enable the parties to negotiate a settlement of the issues raised in the petition. On February 15, 2007, and May 3, 2007, the Board granted further stays of the proceedings based on the parties' progress in negotiations. The Board's May 3, 2007 order extended the stay until January 15, 2008, and directed the parties to submit a status report no later than September 28, 2007.

In its September 28, 2007 status report, the Region explained that it was awaiting the Town's report documenting the results of the phosphorus control study it had implemented during the summer, and stated that the parties intended to continue settlement discussions in December 2007. The Region also stated its intent to withdraw the contested winter bacteria limits and to repropose such limits in October 2007.

Since the date of the last status report, the parties have met to discuss both the winter bacteria limits and the phosphorus limits. The Region experienced delays in its plan related to the bacteria limits, but in a letter to the Town and the Board dated January 10, 2008, the Region did withdraw the contested winter bacteria limits. The Region will issue a draft permit modification for public comment no later than January 18, 2008, which will propose winter bacteria limits that are slightly less stringent than those that were withdrawn.

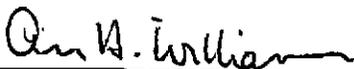
With respect to the phosphorus limits, the parties have agreed to a tentative compliance schedule, to be embodied in an administrative order, that would address remaining steps to be taken to enable the Town's wastewater treatment plant to meet the phosphorus limits contained in the Permit. The schedule is subject to approval by the

Town's Board of Selectmen. Counsel for the Town has informed the Region that he intends to present the proposal to the Board of Selectmen at its meeting on the evening of January 14, 2008. Assuming that the proposal is acceptable to the Selectmen, the parties would finalize the details of the schedule, and the Region would prepare to issue an administrative order.

To provide sufficient time for the parties to complete the negotiations regarding the phosphorus limits, and for the Region to issue an administrative order, the Region, with the assent of counsel for the Town, requests that the proceedings be stayed an additional sixty-three (63) days, to March 18, 2008. On or as soon as possible before that date, the parties will submit a status report to advise the Board whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for EPA's response to the petition.

Respectfully submitted,

United States EPA, Region I



Ann H. Williams
Senior Assistant Regional Counsel
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williams.ann@epa.gov

Dated: January 10, 2008

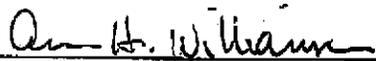
In the Matter of: Town of Northbridge Wastewater Treatment Plant
Appeal No. NPDES 06-11

CERTIFICATE OF SERVICE

I, Ann H. Williams, hereby certify that I served the foregoing Motion to Extend the Stay of Proceedings in the above-captioned matter by facsimile and by mailing one original and five copies by First Class Mail on this 10th day of January, 2007 to the Environmental Appeals Board (MC 1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001; and that a true copy of the foregoing was sent by facsimile and by First Class Mail, postage prepaid, to the following person:

Jeffrey T. Blake, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110

Dated: January 10, 2008



Ann H. Williams
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